



Practitioner's Docket No. MCNEP0109US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferguson et al

Serial No.: 08 / 307,640

Filed: September 15, 1994 Group No.: 1816  
For: WOUND HEALING AND TREAT- Examiner: D. AdamsMENT OF FIBROTIC DISORDERS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## SUBMISSION AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.129(a)

1. This application is pending for at least two (2) years as of June 8, 1995 (the effective date of 35 U.S.C. 154(a)(2)), taking into account any reference made in this application to an earlier filed application under:

- ☐ 35 U.S.C. 120.  
☐ 35 U.S.C. 121.  
☒ 35 U.S.C. 365(c).

2. This submission is filed:

- ☒ prior to  
or  
☐ simultaneously with  
the filing of an appeal brief  
AND  
☒ prior to abandonment of the application.

SEP 24 1997  
GPO

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 CFR 1.8(a)

☒ with sufficient postage as first class mail.

37 CFR 1.10\*

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: September 15, 1997

Signature

Claudia Bader

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by Express Mail **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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(Submission after Final Rejection under 37 C.F.R. § 1.129(a) [9-46]—page 1 of 5)

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H.G.J.  
9/24/97

3. This submission is the:

- ☒ first  
☐ second

submission made after final rejection for this application.

**WARNING:** Only a first and second submission is permitted. "Any submission filed after a final rejection made in an application subsequent to the fee set forth in § 1.17(r) having been twice paid will be treated as set forth in § 1.116" 37 C.F.R. § 1.129(a).

**NOTE:** The finality of the final rejection (or subsequent final rejection) is automatically withdrawn upon the timely filing of the submission and payment of the fee set forth in § 1.17(r). 37 C.F.R. § 1.129(a).

4. The submission being made herewith is:

(check and/or complete all applicable items)

- ☒ an information disclosure statement.

**NOTE:** In view of the \$730.00 fee required by § 1.17(r), "any information disclosure statement previously refused consideration in the application because of applicant's failure to provide the certification under § 1.97(e) or to pay the fee set forth in § 1.17(p) or which is filed a part of either the first or second submission would be treated as though it had been filed within one of the time periods set forth in § 1.97(b) and would be considered without the petition and petition fee required in § 1.97(d), if it complies with the requirements of § 1.98." 59 FR 63,951, at 63,956.

- ☒ an amendment to the  
☐ description.  
☒ claims.  
☐ drawings.  
☐ a new substantive argument.  
☒ new evidence in support of patentability.  
☐ other:

## 5. Submission fee (37 C.F.R. § 1.17(r))

- ☐ other than small entity \$770.00  
☒ small entity \$385.00  
☒ Applicant is a small entity. The small entity statement  
☐ is filed herewith.  
☒ was filed on September 15, 1994

Fee \$ 385.00

## 6. Extension of time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)-(d)), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input checked="" type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,470.00	\$735.00

Fee \$ 195.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee of \$ \_\_\_\_\_ paid therefor is deducted from the total fee due for the total months of extension now requested.

**OR**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fees for additional claims (if applicable):

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		ADDIT. FEE RATE		ADDIT. FEE RATE	
TOTAL	*	MINUS	**	=		x\$11 =	\$	x\$22 =	\$
INDEP.	*	MINUS	***	=		x\$40 =	\$	x\$80 =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ \$130 =	\$	+ \$260 =	\$
						TOTAL	\$	OR TOTAL	\$
						ADDIT. FEE	\$		

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(complete the following, as applicable)

☐ No additional fee is required.

OR

☐ The total additional fee required is \$ \_\_\_\_\_

8. Total fees due:

a. <input type="checkbox"/> Additional claim fees	\$ _____
b. <input checked="" type="checkbox"/> Extension of time fee	\$ 195.00
c. Submission fee (37 C.F.R. § 1.17(r))	\$ 385.00
<b>Total fees due</b>	<b>\$ 580.00</b>

(Submission after Final Rejection under 37 C.F.R. § 1.129(a) [9-46]—page 4 of 5)

## 9. Payment of fees

- ☐ Enclosed is a check in the amount of \$ \_\_\_\_\_
- ☒ Charge Account 18-0988 in the amount of \$ 580.00

A duplicate of this request is attached.

Please charge Account 18-0988 for any fee deficiency.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(B).

Reg. No.: 32,510

William C. Tritt  
Signature of Practitioner

William C. Tritt

(type or print name of practitioner)

Tel. No.: (216) 621-1113

Renner, Otto, Boisselle & Sklar, P.L.L.

P.O. Address

Customer No.:

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